

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

IN RE: **Ella Malark**
(SS# XXX-XX-2901)
Timothy Malark
(SS# XXX-XX-7227)

Hearing: July 25, 2019, 9:15 a.m.
Location: Albany

Case No: 16-10057
(Chapter 13)

Debtor.

**TRUSTEE'S RESPONSE/OBJECTION TO MOTION TO
SELL/TRANSFER PROPERTY OF THE ESTATE**

Andrea E. Celli, Chapter 13 Standing Trustee (the "Trustee") states the following as and for her response/objection to the Debtors' Motion to Sell/Transfer of Property of the Estate:

Debtor has moved this Court for an Order allowing the sale of 927 Broadway, Rensselaer, NY for the sum of \$30,000.00.

The Trustee **objects to** the proposed sale as follows:

- X** Evidence of service on all listed creditors must be provided.
- X** Debtors' motion references post-petition taxes due. It is unclear which property these taxes are related to, the Trustee seeks information as to the same.
- X** The plan was confirmed with an agreed 100% dividend to all creditors. Absent a 100% dividend, the Trustee objects to the use of the proceeds as requested in the motion.

WHEREFORE, the Trustee respectfully requests that this Court issue an Order denying the subject Motion or briefly adjourning the Motion to allow the movant an opportunity to resolve the objection(s) contained herein.

Respectfully submitted,
Andrea E. Celli, Esq.
Chapter 13 Trustee
7 Southwoods Boulevard
Albany, New York 12211

Dated: July 10, 2019

By: /s/ Bonnie S. Baker
Bonnie S. Baker, Esq.

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

IN RE: Ella Malark
Timothy Malark

Debtors.

AFFIDAVIT OF SERVICE

Case No. 16-10057
(Chapter 13)

KIMBERLY WAXMAN, BEING DULY SWORN, DEPOSES AND SAYS: THAT SHE IS OVER THE AGE OF 18 YEARS; THAT SHE SERVED A COPY OF TRUSTEE'S OBJECTION TO MOTION TO SELL DATED JUNE 22, 2019 ON THE FOLLOWING PARTIES IN THE FOLLOWING MANNER ON JULY 10, 2019:

VIA CM/ECF SYSTEM MAIL

Opal Hinds, Esq.

Office of the United States Trustee

VIA REGULAR U.S. MAIL

Timothy & Ella Malark
1681 Helderberg Trail
Berne, NY 12023

BY DEPOSTING A TRUE AND CORRECT COPY OF THE SAME PROPERLY ENCLOSED IN A POST-PAID WRAPPER IN THE OFFICIAL DEPOSITORY MAINTAINED AT 7 SOUTHWOODS BOULEVARD, ALBANY, NEW YORK DIRECTED TO SAID PERSON(S) AT SAID ADDRESSES.

/s/ Kimberly Waxman
Kimberly Waxman

**Sworn to before me this
10th day of July, 2019**

/S/ Jessica H. Trzaskos
Reg. # 01TR6341836
Notary Public – State of New York
Qualified in Albany County
My Commission Expires 05/16/2020